

### **REMARKS**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed March 27, 2008. Currently, claims 1-20 remain pending and stand rejected. Favorable consideration of the following remarks is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §103(a)**

Claims 1 and 4-9 have been rejected as being unpatentable over Saab (U.S. 5,499,973) in view of Mügge et al. (U.S. 5,478,620). Applicants respectfully traverse the rejection.

Independent claim 1 recites:

A balloon catheter assembly comprising:  
a first tubular member having a proximal portion and a distal portion with a lumen extending between the proximal portion and the distal portion;  
a balloon having a proximal waist length, a distal waist length and an expandable region therebetween disposed about the distal portion; and  
a tie layer disposed between the proximal waist length or distal waist length and the first tubular member, wherein the tie layer comprises a polyester polymer and a polyamide polymer.

The Examiner asserts that Saab provides all the elements of independent claim 1 except wherein the tie layer comprises a polyester polymer and a polyamide polymer. Saab teaches a variable stiffness balloon catheter in which polymeric sleeves are heat shrunk around portions of the inner tubular element. The polymeric sleeves of Saab extends towards the proximal portion of the catheter. If one were to combine the plastic pipe as taught by Mügge et al. with the catheter of Saab, one would not arrive at the present invention. Independent claim 1 recites in part, "a balloon having a proximal waist length, a distal waist length and an expandable region therebetween disposed about the distal portion; and a tie layer disposed between the proximal waist length or distal waist length and the first tubular member."

Even if one were to combine the devices of Saab and Mügge et al., one would not arrive at the invention as currently claimed. One would simply have the device of Saab wherein the polymeric sleeve is comprised of plastic pipe taught by Mügge et al. One would not arrive at a tie layer disposed between the proximal waist length or distal waist length and the first tubular member. Further, the device as currently claimed would not function as intended. A polymeric sleeve as taught by Saab would alter the stiffness of the catheter. Further, there is no motivation

or suggestion for one of ordinary skill in the art to combine the device of Saab with the plastic pipe of Mügge et al. to achieve the present invention. Reconsideration and withdrawal of the rejection is respectfully requested. Applicants submit that claims 4-9 are also in condition for allowance at least because they depend from claim 1 and add significant limitations to further distinguish them from the prior art.

Claims 2-3 and 10-20 have been rejected as being unpatentable over Saab (U.S. 5,499,973) in view of Mügge et al. (U.S. 5,478,620), further in view of Lee (U.S. 6,217,547). Applicants respectfully traverse the rejection.

Independent claim 10 recites the limitation, “a tie layer disposed between the proximal waist length or distal waist length and the first tubular member, wherein the tie layer comprises a polyester polymer and a polyamide polymer.” As discussed above with respect to claim 1, Saab does not teach a tie layer disposed between the proximal waist length or distal waist length and the first tubular member. In addition, Mügge et al. do not supply the elements of the claims that are missing from Saab. Further, Lee does not teach what Saab and Mügge et al. lack. Reconsideration and withdrawal of the rejection is respectfully requested. Applicants submit that claims 2-3 and 11-14 are also in condition for allowance as they depend from claims 1 and 10 respectively and add significant limitations to further distinguish them from the prior art.

Independent claim 15 recites:

A method for improved bonding between an expandable balloon and a catheter shaft, the method comprising the steps of:

- providing a first polyamide tubular member having a proximal portion and a distal portion with a lumen extending between the proximal portion and the distal portion;

- disposing a tie layer on the distal portion of the first polyamide tubular member, wherein the tie layer comprises a polyester polymer and a polyamide polymer; and

- disposing a polyethylene terephthalate balloon having a proximal waist length, a distal waist length and an expandable region therebetween on the tie layer.

As discussed above with respect to claims 1 and 10, the combination of Saab, Mügge et al. and Lee does not teach a tie layer disposed between the proximal waist length or distal waist length and the first tubular member, wherein the tie layer comprises a polyester polymer and a polyamide polymer. Thus, neither Saab, Mügge et al. nor Lee, individually or in combination, can be considered as disclosing a method that involves disposing a tie layer comprised of a

polyester polymer and a polyamide polymer on the first polyamide tubular member and disposing a polyethylene terephthalate balloon having a proximal waist length, a distal waist length and an expandable region therebetween on the tie layer. Reconsideration and withdrawal of the rejection is respectfully requested. Applicants submit that claims 16-20 are also in condition for allowance as they depend from claim 15 and add significant limitations to further distinguish them from the prior art.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

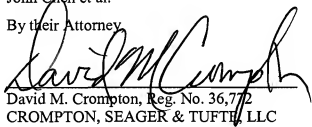
Respectfully submitted,

John Chen et al.

By their Attorney

Date: \_\_\_\_\_

6/27/08

  
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